

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:)	
)	
Roger Villarreal)	Case No. 13-44654-659
Movant/Debtor,)	—
)	Chapter 13 #8
vs.)	
)	
Security Credit Service LLC)	
Serve:)	
William Alias, Jr., Registered Agent)	
2653 West Oxford Loop, Suite 108)	
PO Box 1156)	
Oxford MS 38655)	
Respondent/Creditor.)	
)	

CERTIFICATION OF NO RESPONSE

The undersigned certifies that she served all parties in accordance with the applicable Bankruptcy Rules, and that 21 days have passed since service of Debtor's Motion to Avoid Judicial Lien, that she has received no response in opposition to this Motion to Avoid Judicial Lien, or that any opposition has been resolved.

Dated: June 26, 2013

/s/ Sean C. Paul
Sean C. Paul, 59371MO
Attorney for Movant/Debtors
8917 Gravois Rd.
St. Louis, MO, 63123
Phone: (314) 827-4027 Fax: (314) 222-0619
scp@pklawonline.com

ORDER AVOIDING JUDICIAL LIEN ON REAL ESTATE

This matter is before the Court upon the above-referenced Debtor's Motion to Avoid Judicial lien on Real Estate. No response has been filed by the creditor Security Credit Service LLC. The Court makes the following findings:

1. The fair market value of the real estate in which Debtor asserts a homestead exemption is \$15,000.00.
2. Under Missouri law, the homestead exemption is \$15,000.00.

3. At the time Debtor filed his bankruptcy petition, the real estate was subject to consensual mortgage lien(s): \$1285.00.
4. At the time Debtor filed his bankruptcy petition, the Creditor's judicial lien impairing the real estate secured an indebtedness in the amount of \$7110.87.

The Court makes the following conclusions of law:


1. Pursuant to 11 U.S.C. Sec. 522(f), Debtor is entitled to avoid the Creditor's judicial lien to the extent it impairs the Debtor's homestead exemption.
2. The Creditors' judicial lien impairs the Debtor's homestead exemption to the extent that the sum of the lien; all other liens on the real estate, and the amount of the Debtor's homestead exemption exceeds the value that the Debtor's interest in the property would have in the absence of any liens. The applicable formula as set forth in *Kolich v. Antioch Laurel Veterinary Hospital Inc. (In re Kolich)*, 273 B.R. 199 (B.A.P. 8th Cir. 2002) is:

<i>Creditor's Judicial Lien</i>	<u>\$ 7,110.87</u>
<i>Plus all other liens</i>	<u>\$ 1,285.00</u>
<i>Plus exemptions</i>	<u>\$15,000.00</u>
<i>Total</i>	<u>\$ 23,395.87</u>
<i>Minus value of land interest absent liens</i>	<u>\$ 15,000.00</u>
<i>Extent of Impairment</i>	<u>\$ 8,395.87</u>

3. The extent of the impairment exceeds the amount of the Creditor's judicial lien and therefore, the entire judicial lien shall be avoided. It is therefore

ORDERED that the judicial lien held by Security Credit Services LLC., in and on Debtor's residential real estate at 1222-AC04058 Security Credit Services LLC v Roger Villarreal, in the 22nd Judicial Circuit in St. Louis City, Missouri in the of amount \$7110.87, is hereby avoided. It is further

IT IS FURTHER ORDERED that the judicial lien of the Creditor shall be reinstated in its entirety upon dismissal of the Debtor's bankruptcy case.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: June 27, 2013
St. Louis, Missouri
jjh

Copies mailed to:

William Alias, Jr.
2653 West Oxford Loop, Suite 108
PO Box 1156
Oxford MS 38655
Registered agent for Security Credit Services

Security Credit Services LLC
2653 W OXFORD LOOP STE 108
OXFORD, MS 38655

John V. LaBarge, Jr
PO Box 430908
St. Louis MO 63143

Roger Villarreal
3445 Illinois Ave
St. Louis MO 63118

Sean C. Paul, Attorney for debtor
8917 Gravois Rd
St. Louis MO 63118